

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JESSICA GUZMAN,

Plaintiff,

-v.-

26 MOTORS CORP. d/b/a 26 MOTORS,  
*et al.*,

Defendants.

23 Civ. 283 (KPF)

**NOTICE OF INITIAL  
PRETRIAL CONFERENCE**

KATHERINE POLK FAILLA, District Judge:

This case has been assigned to me for all purposes. It is hereby ORDERED that counsel for all parties appear for an initial pretrial conference with the Court on **April 26, 2023, at 11:00 a.m.** The conference will be held telephonically. At the scheduled date and time, the parties are to call (888) 363-4749 and enter access code 5123533. **Automatic referral to the Court-annexed mediation program is deferred until after the initial conference is held.**

All counsel are required to register promptly as filing users on ECF. All pretrial conferences must be attended by the attorney who will serve as principal trial counsel. Counsel are further required to review and comply with the Court's Individual Rules of Practice in Civil Cases ("Individual Rules") available at <https://nysd.uscourts.gov/hon-katherine-polk-failla>.

Counsel are directed to confer with each other prior to the conference regarding settlement, class and/or collective action certification, and each of the other subjects to be considered at a Federal Rule of Civil Procedure 16 conference. Additionally, the parties shall jointly submit a letter, not to exceed five pages, providing the following information in separate paragraphs by the Thursday of the week prior to the scheduled initial pretrial conference:

- (i) A brief statement of the nature of the action, the principal defenses thereto, and the major legal and factual issues that are most important to resolving the case, whether by trial, settlement, or dispositive motion;
- (ii) A brief explanation of why jurisdiction and venue lie in this Court. In any action in which subject matter jurisdiction is founded on diversity of citizenship pursuant to Title 28, United States Code, Section 1332, the letter must explain the basis for the parties' belief that diversity of citizenship exists. Where any party is a corporation, the letter shall state

both the place of incorporation and the principal place of business. In cases where any party is a partnership, limited partnership, limited liability company, or trust, the letter shall state the citizenship of each of the entity's members, shareholders, partners, and/or trustees. *See, e.g., Handelsman v. Bedford Vill. Assocs. L.P.*, 213 F.3d 48 (2d Cir. 2000).

- (iii) A statement of all existing deadlines, due dates, and/or cut-off dates;
- (iv) A brief description of any outstanding motions, as well as any contemplated motions for class or collective action certification;
- (v) A brief description of any discovery that has already taken place and of any discovery that is necessary for the parties to engage in meaningful settlement negotiations and/or mediation;
- (vi) A statement describing the status of any settlement discussions and whether the parties would prefer to opt out of automatic mediation and, if so, the basis for opting out; and
- (vii) Any other information that the parties believe may assist the Court in advancing the case to settlement or trial, including, but not limited to, a description of any dispositive issue or novel issue raised by the case.

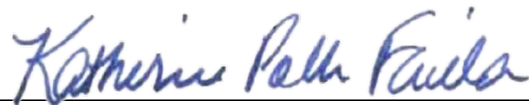
If this case has been settled or otherwise terminated, counsel are not required to submit such letter or to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is filed on ECF prior to the date of the conference.

In accordance with the Court's Individual Rules and Practices, requests for an extension or adjournment may be made only by letter and must be received at least 48 hours before the deadline or conference. The written submission must state (i) the original date(s); (ii) the number of previous requests for adjournment or extension; (iii) whether these previous requests were granted or denied; (iv) the reason for the current request; and (v) whether the adversary consents and, if not, the reasons given by the adversary for refusing to consent. Unless counsel are notified that the conference has been adjourned, it will be held as scheduled.

Counsel who have noticed an appearance as of the issuance of this order are directed (i) to notify all other parties' attorneys in this action by serving upon each of them a copy of this order and the Court's Individual Rules forthwith, and (ii) to file proof of such notice with the Court. If unaware of the identity of counsel for any of the parties, counsel receiving this order must forthwith send a copy of this order and the Court's Individual Rules to that party personally.

SO ORDERED.

Dated: April 4, 2023  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila", written over a horizontal line.

KATHERINE POLK FAILLA  
United States District Judge